

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

United States Courts
Southern District of Texas
FILED

JAN 28 2019

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA <i>ex rel.</i>	§	
BONNIE ELSDON,	§	
<i>Plaintiff,</i>	§	
V.	§	CIVIL ACTION NO. 4:18-CV-1766
	§	
U.S. PHYSICAL THERAPY, INC.;	§	FILED UNDER SEAL
U.S. PHYSICAL THERAPY, LTD.;	§	
THE HALE HAND CENTER, LIMITED	§	
PARTNERSHIP, LLC; REHAB	§	
PARTNERS #2, INC.; AND	§	
SUZANNE HALE	§	
<i>Defendants.</i>	§	

**UNITED STATES OF AMERICA'S NOTICE
OF ELECTION TO DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States of America notifies the Court of its decision to decline intervention in this qui tam action.

Although the United States declines to intervene, it respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain this action in the name of the United States; but providing that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Therefore, the United States requests that the Court solicit the written consent of the United States before granting or ruling upon any request by the relator or the defendants to dismiss, settle, or otherwise discontinue this action.

In addition, the United States requests under 31 U.S.C. § 3730 (c)(3) that all pleadings filed in this case be served upon the United States and that orders issued by the Court be sent to counsel for the United States. Moreover, the United States reserves its right to: (1) order any deposition transcripts; (2) intervene in this action for good cause in the future; and (3) seek the dismissal of

the relator's action or claim. The United States also requests that the Court require any party who files a notice of appeal to serve the notice on the United States.

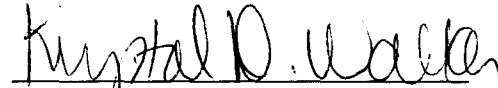
Finally, the United States requests that the relator's Complaint, this Notice, and the attached Order be unsealed. The United States requests that all other papers on file in this action remain under seal because, in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Respectfully submitted,

RYAN K. PATRICK
UNITED STATES ATTORNEY

By:



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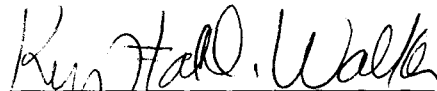
Counsel for the United States of America

CERTIFICATE OF SERVICE

I certify that, on January 28, 2019, I served a copy of the foregoing Notice of Election to Decline Intervention and its accompanying Order via first class mail, postage prepaid to the following counsel of record:

David S. Toy
Spagnoletti & Co.
401 Louisiana Street, 8th Floor
Houston, Texas 77002

John Thornton
DO Campo & Thornton, P.A.
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Miami, Florida 33131
Attorneys for Plaintiff/Relator

A handwritten signature in black ink, appearing to read "Krystal D. Walker", written over a horizontal line.

Krystal D. Walker
Assistant United States Attorney